UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 August 2011_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on
_____ ; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) _1-4,6,9,10,13-17,19-21,23 and 25-28_ is/are pending in the application.

   5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) _1-4,6,9,10,13-17,19-21,23 and 25-28_ is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

08/08/2011 has been entered.

2.   Claims 1-4, 6, 9-10, 13-17, 19-21, 23, 25-28 remain pending in this application.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1, 23, 25 and 27 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claims contain subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventors, at the time the application

was filed, had possession of the claimed invention. In particular, Claim 1 recites

"means for <u>automatically</u> identifying" and "means for <u>automatically</u> transmitting

information". Applicant points out the penultimate paragraph (par.43) for support.

However, paragraph 43 recites "...entering and storing data has been advantageously

arranged **as automatic as possible**, whereby the care personnel may spend as little

time as possible for manual entering and storing of different data." The present

specification does not recite the newly added "automatically identifying" or

"automatically transmitting" functions.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claims 25-28 are rejected under 35 USC 101 because the claimed invention is

directed to non-statutory subject matter.

7.   Claims 25-28 recite a collection of software routines and an interactive set of

lists, which appears to be a collection of non-functional descriptive material. The claims

are therefore considered non-statutory because they are not capable of causing a

functional change in a computer. As drafted, these claims fail to define any structural

and functional interrelationships between the software routines and other elements of a

computer that permit the computer program's function to be realized. (See MPEP

section 2106)

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10.   Claims 1-4, 6, 9-10, 13-17, 19-21, 23 and 25-28 are rejected under 35 U.S.C.

102(e) as being anticipated by Sorensen et al. (hereinafter Sorensen) (U.S. Patent No.

7,739,125 B2).

A.   Claim 1 has been amended now to recite data arrangement for dental-

care environment, which comprises at least one dental-care-related device (U, T)

and a data system (S), wherein the dental-care-related device is a dental unit (U)

comprising an instrument table, the dental unit (U) being configured to control

operation of at least one dental-care instrument (X), and wherein a data

transmission communication has been arranged between the dental unit (U) and

the data system (S); and wherein the arrangement comprises

        i.   a means for automatically identifying a predetermined event, the

predetermined event being taking said at least one dental-care instrument

(X) to use from said instrument table (Sorensen; col. 2, lines 50-57, col. 8,

lines 3-67), and

        ii.   a means for automatically transmitting information related to said

event to the data system (S) as a response to identifying the

predetermined event, <u>said predetermined event being followed by</u>

<u>operating said at least one dental-care instrument (X)</u>, **wherein** <u>said</u>

<u>information includes at least one value of at least one operating parameter</u>

<u>of said at least one dental-care instrument (X)</u> (Sorensen; col. 2, lines 50-

57, col. 8, lines 3-67) (**Examiner's note:** No patentable weight is given to

the "wherein clause" since it is simply an expression of the intended result

of the process step positively recited, MPEP 2111.04, further the clause is

not functional descriptive material a mere arrangement of data not

functionally involved in the steps recited nor do they alter the recited

structural elements) and

iii.   a means for storing said information in the data system (S) item-

specifically<u>, said item being at least one of the following: the said dental</u>

<u>care instrument, a patient, a certain tooth of a patient, and/or a certain</u>

<u>tooth surface of a patient</u> (Sorensen; col. 3, lines 19-52, col. 8, lines 3-67).

B.   Claim 2 recites arrangement according to claim 1, wherein

the predetermined event is followed by a treatment event the target of which

being a patient; and the means for storing have been arranged to store

information related to the treatment event patient-specifically (Sorensen; col. 8,

lines 3-67).

C.   Claim 3 has been amended now to recite Arrangement according to claim

2, wherein <u>said item</u> is a certain tooth and/or a certain tooth surface of a patient

(Sorensen; abstract).

D.   Claim 4 has been amended now to recite arrangement according to claim 1, wherein the means for storing have been arranged to store said information instrument-specifically (Sorensen; col. 8, lines 3-67).

E.   Claim 6 recites arrangement according to claim 1, wherein the dental unit (U) comprises means for receiving information related to the predetermined event (Sorensen; abstract, col. 1, lines 4-14).

F.   Claim 9 has been amended now to recite arrangement according to claim 1, wherein the information related to the predetermined event further comprises **at least one of the following data:** data of the type of dental-care instrument (X) (Sorensen; abstract, col. 5, lines 6-22), identification data of the dental-care instrument (X), maintenance status data of the dental-care instrument (X), sterilisation status data of the dental-care instrument (X), point of time of sterilisation of the dental-care instrument (X), data of connecting the dental- care instrument (X) to the dental unit (U), data of taking the dental-care instrument (X) to use in connection with a treatment event, and/or data of the point of time the dental-care instrument (X) was taken to use, and wherein said at least one operation parameter values of the dental- care instrument (X) during the dental treatment event comprises data of operation time, rotation speed and/or power used, data of disconnecting the dental-care instrument (X) from the dental unit (U), data of disconnection time of the dental-care instrument (X) from the dental unit (U), data of performing a certain treatment procedure, and/or data of the point of time of performance of a certain treatment procedure.

G.   Claim 10 recites arrangement according to claim 1, wherein the means for

identifying the predetermined event comprise an electronic reader device

(Sorensen; col. 8, lines 3-67).

H.   Claim 13 recites arrangement according to claim 1, wherein

the data system (S) comprising also a user interface and a display means

connected with it; and the data system (S) is configured for transmitting to the

display means information stored in the data system (S) and/or messages based

on said information (Sorensen; abstract, col. 1, lines 4-14).

I.   Claim 14 recites arrangement according to claim 1, wherein

the data system (S) is configured for transmitting to the dental unit (U) control

data relating to a treatment plan and/or at least one dental care instrument (X);

and the dental unit (U) has been arranged to be controlled according to said

control data as a response to receiving said control data (Sorensen; abstract, col.

1, lines 4-14).

J.   Claim 15 has been amended now to recite method for maintaining an

electronic dental-care register for a dental-care environment in a data

arrangement, the dental-care environment comprising

    i.   at least one dental unit (U) configured to control operation of at

    least one dental-care instrument (X), and a data system (S), wherein a

    data transmission communication is formed between the dental unit (U)

    and the data system (S) (Sorensen; abstract, col. 8, lines 3-67);

      ii.   a predetermined event is identified in the dental- unit (U), the predetermined event being taking said at least one dental-care instrument (X) to use; <u>from an instrument table, said predetermined event being followed by operating said at least one dental-care instrument (X)</u> (Sorensen; col. 8, lines 3-67);

      iii.   information related to the identified event is sent from the dental unit (U) to the data system (S)<u>, said information including at least one value of at least one operating parameter of said at least one dental-care instrument (X)</u> (Sorensen; col. 3, lines 19-52, col. 8, lines 3-67);

      iv.   said information is received in the data system (S) (Sorensen; col. 8, lines 3-67); and

      v.   said information is stored in the data system (S) item-specifically<u>, said item being at least one of the following: the said dental care instrument, a patient, a certain tooth of a patient, and/or a certain tooth surface of a patient</u> (Sorensen; col. 8, lines 3-67)<u>.</u>

K.   Claim 16 has been amended now to recite method according to claim 15, wherein the information related to said operation is stored patient-specifically (Sorensen; col. 8, lines 3-67).

L.   Claim 17 has been amended now to recite method according to claim 15, wherein the information related to operation of said at least instrument is stored instrument-specifically (Sorensen; col. 8, lines 3-67).

M.   Claim 19 recites method according to claim 15, wherein

an individual instrument is identified; the identification data is compared with a

treatment plan of a patient who is the object of a treatment procedure **and/or** with

status data of the individual instrument in question; it is detected if instrument (X)

is unsterilised **or** does not correspond the treatment plan; and the said detection

is expressed as a response to detecting an unsterilised instrument or an

instrument not corresponding the treatment plan (Sorensen; col. 8, lines 3-67).

N.   Claim 20 recites method according to claim 15, wherein information

related to the predetermined event is stored in a patient database of the dental

clinic data system (S) (Sorensen; col. 8, lines 3-67).

O.   Claim 21 recites method according to claim 15, wherein

as a response to identifying taking the at least one dental-care instrument (X) in

use, data of taking said instrument (X) to use is transmitted and stored in the

data system (S) instrument- specifically and patient-specifically, and further data

of a dental procedure performed by said instrument (X) is transmitted and stored

in the data system patient-specifically (Sorensen; col. 8, lines 3-67).

P.   Claim 23 has been amended now to recite dental-care-related device for

performing dental-care events in a dental-care environment, wherein it comprises

means for forming a data transmission communication with a data system (S) for

the dental-care environment; means for <u>automatically</u> identifying a predetermined

event; and means for <u>automatically</u> transmitting information related to the

identified event to the data system (S) <u>as a response to identifying the</u>

<u>predetermined event,</u> wherein the dental-care-related device includes a dental

unit (U) configured to control operation of at least one dental-care instrument (X) and the predetermined event is taking said at least one dental-care instrument (X) to use, and wherein said information includes at least one value of at least one operating parameter of said dental unit, and wherein the dental-care related device further comprises means for storing information in the data system (S) item-specifically (Sorensen; col. 8, lines 3-67). (Examiner's note: No patentable weight is given to the "wherein clause" since it is simply an expression of the intended result of the process step positively recited, MPEP 2111.04, further the clause is not functional descriptive material a mere arrangement of data not functionally involved in the steps recited nor do they alter the recited structural elements)

Q.   Claim 25 has been amended now to recite software product for a data arrangement for dental-care environment, the dental-care environment comprising at least one device (U, T) related to dental treatment and a data system (S), which software product comprises a program stored on program storage means and being readable by a computer, wherein it comprises a first routine by which a data transmission communication between the dental-care-related device (U, T) and the data system (S) is formed; a second routine by which a predetermined event is automatically identified in the dental-care- related device (U, T); and a third routine by which information related to the identified event is automatically transmitted from the dental-care-related device (U, T) to the data system (S) as a response to identifying the predetermined event,

wherein at least one of the devices (U, T) related to dental treatment is a dental

unit (U) configured to control operation of at least one dental-care instrument (X),

and the predetermined event is taking said at least one dental-care instrument

(X) to use, and wherein said information includes at least one value of at least

one operating parameter of said dental unit (Sorensen; col. 8, lines 3-67).

(Examiner's note: No patentable weight is given to the "wherein clause" since it is

simply an expression of the intended result of the process step positively recited,

MPEP 2111.04, further the clause is not functional descriptive material a mere

arrangement of data not functionally involved in the steps recited nor do they

alter the recited structural elements)

R.   Claim 26 recites software product according to claim 25, wherein said

program comprises a routine for running a method for maintaining an electronic

dental-care register for a dental-care environment in a data arrangement, the

dental-care environment comprising at least one dental unit (U) configured to

control operation of at least one dental-care instrument (X), and a data system

(S), wherein a data transmission communication is formed between the dental

unit (U) and the data system (S); a predetermined event is identified in the

dental- unit (U), the predetermined event being taking said at least one dental-

care instrument (X) to use,; information related to the identified event is sent from

the dental unit (U) to the data system (S); said information is received in the data

system (S); and said information is stored in the data system (S) item-specifically

(Sorensen; col. 8, lines 3-67).

S.   Claim 27 has been amended now to recite Software product in a data

arrangement for dental-care environment, the dental-care environment

comprising at least one device (U, T) related to dental treatment and a data

system (S), which software product comprises a program stored on program

storage means and being readable by a computer, wherein it comprises a first

routine by which information related to a predetermined event is <u>automatically</u>

received in the data system from the dental-care-related device (U, T); and a

second routine by which said information is stored in the data system (S) so that

it may be linked to the object of the event, wherein at least one of the devices (U,

T) related to dental treatment is a dental unit (U) configured to control operation

of at least one dental-care instrument (X), and the predetermined event is taking

said at least one dental-care instrument (X) to use<u>, and wherein said information</u>

<u>includes at least one value of at least One operating parameter of said dental unit</u>

(Sorensen; col. 8, lines 3-67).

T.   Claim 28 recites software product according to claim 27, wherein said

program comprises a routine for running a method for maintaining an electronic

dental-care register for a dental-care environment in a data arrangement, the

dental-care environment comprising at least one dental unit (U) configured to

control operation of at least one dental-care instrument (X), and a data system

(S), wherein a data transmission communication is formed between the dental

unit (U) and the data system (S); a predetermined event is identified in the

dental- unit (U), the predetermined event being taking said at least one dental-

care instrument (X) to use,; information related to the identified event is sent from

the dental unit (U) to the data system (S); said information is received in the data

system (S); and said information is stored in the data system (S) item-specifically

(Sorensen; col. 8, lines 3-67).

Response to Arguments

11.   Applicant's arguments filed 08/08/2011 have been fully considered but they are

not persuasive. Applicant's arguments will be addressed below in the order in which

they appear.

A.   In response to Applicant's arguments about Sorensen does not teach

"actual values of various operating parameters relating to a treatment would be

stored", "storing information constituting actual operating parameters" and "there

is no discussion whatsoever concerning storing specific operational parameter

values relating to use of an instrument" (arguments 1-3, pages 9-10 of the

Remarks); Examiner respectfully submits that Sorensen teaches "logging means

for storing logging information, in particular logging information for any selected

treatment and any of said sequential actions performed in the course of said

treatment" in col. 3, lines 19-52, "all data related to the treatment of the patient

are preferably logged" in col. 8, lines 39-49.

B.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., "there is no means taught by which one could detect and store the

actual (possibly changing value) of any operation parameter of an instrument

during treatment") are not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DILEK B. COBANOGLU whose telephone number is

(571)272-8295. The examiner can normally be reached on 8am-4:30pm, Monday

through Friday.

13.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

14.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DILEK B COBANOGLU/
Primary Examiner, Art Unit 3626